

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

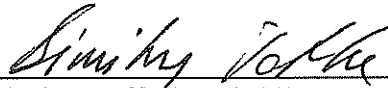
.....X		
KENNEY, BECKER LLP and	:	06 Civ. 2975 (JSR)
EUGENE S. BECKER,	:	
	:	
Plaintiffs,	:	
	:	NOTICE OF MOTION
v.	:	FOR SANCTIONS AND
	:	<u>INJUNCTIVE RELIEF</u>
MARTIN S. KENNEY,	:	
	:	Oral Argument Requested
Defendant	:	
.....X		

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Joseph H. Lilly, III, Esq., dated December 10, 2007, and exhibits thereto, the accompanying Memorandum of Law, and all other papers herein, defendant Martin S. Kenney and third parties Gymway Limited and Gymway Holdings Limited will move this Court before Judge Jed S. Rakoff, at the United States Courthouse, 500 Pearl Street, New York, New York, on January 3, 2008, at 3:30 pm or as soon thereafter as counsel may be heard, for an order imposing sanctions including reasonable attorneys' fees and costs and granting injunctive relief pursuant to Rules 45(c)(1) and 65 of the Federal Rules of Civil Procedure and the inherent powers of the Court.

PLEASE TAKE FURTHER NOTICE that plaintiffs' answering papers, if any, must be served upon the undersigned counsel for the moving parties on or before December 17, 2007, and all reply papers shall be served on or before December 20, 2007.

Dated: New York, New York
December 10, 2007

KASOWITZ, BENSON, TORRES,
& FRIEDMAN LLP

By: 
Dimitry Joffe (DJ-6498)

1633 Broadway
New York, New York 10019
(212) 506-1700 Telephone
(212) 506-1800 Facsimile
*Attorneys for Martin S. Kenney, Gymway Limited
and Gymway Holdings Limited*

To:

Stephen Latzman, Esq.
276 Fifth Avenue, Suite 306
New York, NY 10001
212-532-3368
Attorneys for Plaintiffs

Robert J. DeWitt, Esq.
International Centre for Dispute Resolution
1633 Broadway
New York, NY 10019
Arbitrator, Case No. 50 180 T 0019 06

International Centre for Dispute Resolution
Attn: Ms. Andrea H. Bugbee
1633 Broadway
New York, NY 10019
Case Manager, Case No. 50 180 T 0019 06

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENNEY, BECKER LLP and
EUGENE S. BECKER,

Plaintiffs,

V.

MARTIN S. KENNEY,

Defendant

06 Civ. 2975 (JSR)


CERTIFICATE OF SERVICE

The undersigned, an attorney licensed to practice in the state of New York, hereby certifies that he caused true and correct copies of (a) Notice of Motion for Sanctions and Injunctive Relief, (b) Declaration of Joseph H. Lilly, III, dated December 10, 2007, with exhibits thereto, and (c) Memorandum of Law in Support of Motion for Sanctions and Injunctive Relief, to be served by hand upon:

Stephen Latzman, Esq.
276 Fifth Avenue, Suite 306
New York, NY 10001
212-532-3368
Attorneys for Plaintiffs

Robert J. DeWitt, Esq.
International Centre for Dispute Resolution
1633 Broadway
New York, NY 10019
Arbitrator, Case No. 50 180 T 0019 06

International Centre for Dispute Resolution
Attn: Ms. Andrea H. Bugbee
1633 Broadway
New York, NY 10019
Case Manager, Case No. 50 180 T 0019 06


Dimitry Joffe, Esq. (DJ-6498)

Index No. 06 Civ. 2975 (JSR) Year 20 06

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKKENNEY, BECKER LLP and
EUGENE S. BECKER

Plaintiff,

-against-

MARTIN S. KENNEY,

Defendant.

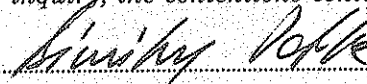
NOTICE OF MOTION

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
Attorney(s) for Defendant1633 BROADWAY
NEW YORK, NEW YORK 10019
212-506-1700

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: December 10, 2007

Signature.....



Print Signer's Name.....

Dimitry Joffe

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

☐
NOTICE OF
ENTRYthat the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

20

☐
NOTICE OF
SETTLEMENTthat an Order of which the within is a true copy will be presented for settlement to the
Hon. one of the judges of the within named Court,
at
on 20 , at M.

Dated:

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
Attorney(s) for Defendant1633 BROADWAY
NEW YORK, NEW YORK 10019

To: